

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JEREMIAH J. LAMBERT,

Plaintiff,

v.

ORDER
09-cv-212-bbc

CORRECTIONAL OFFICER KUTINA,
CORRECTIONAL OFFICER RAYMER,
and NURSE KOREEN FRISK,

Defendants.

Plaintiff Jeremiah Lambert is proceeding on his Eighth Amendment claim that defendants failed to provide him with medical care for his asthma. Now before the court is plaintiff's motion to compel defendants to comply with his second request for production of documents. Defendants have responded to plaintiff's motion.

Plaintiff asks that defendants produce a "Medication Error Report (DOC-3340)" as it relates to him. Attached to his motion to compel is a decision related to his complaint concerning the denial of medical care. Exhibit 5, Reviewer's Decision, NLCI2008-3162 dated December 23, 2008. This decision states, "A medication error report needs to be filed regarding the issue of the expiration dates." It appears plaintiff is requesting the medication error report because of this decision.

Apparently, no one followed through with the reviewer's decision. Defendants have submitted affidavits signed by Eric Knox, the Central Pharmacy Director, and by Lynn Dobbert, a nurse at New Lisbon Correctional Institution, asserting that they cannot find a medication error report concerning plaintiff. If the document does not exist, they cannot provide it, but defendants are stuck with their answer.

ORDER

IT IS ORDERED that plaintiff's motion to compel defendants' response to his second request for production of documents, dkt. 21, is DENIED as moot.

Entered this 23rd day of November, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge